FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.435 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mrs.R.P. Mohite Dere for the Applicants.

Mr.R.S.Datar for the Respondent Nos. 1 to 3.

Mr.A.S.Shitole, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 5/4/2006.

P.C.

1. Heard both sides.

2. Both the parties have agreed on certain admitted signatures to be used for comparison with the signatures of the disputed cheques and filed Minutes of order which are taken on record and marked "X" for identification. In the circumstances, order in terms of Minutes of order. Impugned order stands modified accordingly. Petition stands disposed off.

3. It is made clear that the remarks which are made by the Magistrate to the effect that the accused No.2 has proved that on that day he has not signed on the cheque will have no binding value at the stage of the trial and the question whether accused No.2 has signed the cheque or not will be decided on the totality of the evidence at the time of trial. It is noticed that the appellate court had directed that the matter shall proceed on day to day basis from 3.4.2006. The advocate for the applicants submits that since this matter was pending in this court, matter was not taken up on day to day basis. Said direction of the Sessions Court will apply from the next date of the matter.

(R. S. MOHITE, J.)